GARRETT &

ERNEST F. CHAPMAN

202.408.4096

January 28, 2004

17497 U.S. PT 10/765048

ATTORNEY DOCKET NO. **04853.0111** CUSTOMER NO. 22,852

MAIL STOP PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

New U.S. Patent Application

Title: APOPTOSIS INDUCER AND METHOD OF SCREENING FOR A SUBSTANCE INHIBITING ACYLATED HOMOSERINE LACTONE Inventors and Addresses:

- Nobuhiko NOMURA Tsukuba-shi, Japan
- 2) Hitoshi MIYAZAKI Tsukuba-shi, Japan

Sir:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above patent application.

- 1. Application 42 pages, including 3 independent claims and 11 claims total.
- 2. Drawings 19 sheets of drawings containing 19 figures (Figure 14 is color photo).
- 3. Preliminary Amendment.
- 4. Petition To Accept Color Photographs (Three sets of Figure 14, color photo).
- 5. Certified copies of Japanese Patent Application Nos. 2003-021047, filed on January 29, 2003, and 2003-021053, filed on January 29, 2003, respectively.

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### 6. The filing fee is calculated as follows:

| Basic Application Filing Fee          |                  |   |       |                 |        | \$ | \$770.00 |
|---------------------------------------|------------------|---|-------|-----------------|--------|----|----------|
|                                       | Number of Claims |   | Basic | Extra<br>Claims |        |    |          |
| Total Claims                          | . 11             | - | 20    | 0               | x \$18 |    |          |
| Independent Claims                    | 3                | - | 3     | 0               | x \$86 |    |          |
| ☐ Presentation of Multiple Dep. Claim |                  |   |       |                 |        |    |          |
| Subtotal                              |                  |   |       |                 |        |    | 770.00   |
| Reduction by 1/2 if small entity      |                  |   |       |                 |        |    |          |
| TOTAL APPLICATION FILING FEE          |                  |   |       |                 |        |    | 770.00   |

# 7. A check for \$770.00 is enclosed for filing fee.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration.

Applicants claim the right to priority based on Japanese Patent Application Nos. 2003-021047, filed on January 29, 2003, and 2003-021053, filed on January 29, 2003, respectively.

Please address all correspondence with respect to this application to:

Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315

Please accord this application an application number and filing date.

## Commissioner for Patents January 28, 2004

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNERLLP

The Commissioner is hereby authorized to charge any additional filing fees due and any other fees due under 37 C.F.R. § 1.16 or §1.17 during the pendency of this application to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

By:

Ernest F. Chapman Reg. No. 25,961

EFC/FPD/sci Enclosures

PATENT

Attorney Docket No.: 04853.0111

**CUSTOMER NUMBER 22,852** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of:  | )   |                                 |                 |
|--|-----|---------------------------------|-----------------|
| Nobuhiko NOMURA et al.   | ) ( | Group Art Unit: No              | ot Yet Assigned |
| Serial No.: Not Yet Assigned   | ) E | Examiner: <b>Not Ye</b>         | et Assigned     |
| Filed: January 28, 2004  | )   |                                 |                 |
| For: APOPTOSIS INDUCER AND MET<br>OF SCREENING FOR A SUBSTANCE<br>INHIBITING ACYLATED HOMOSERIN<br>LACTONE | )   | 33 00000006 060916<br>130.00 DA | 10765048        |
| Commissioner for Patents   |     |                                 |                 |

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# PETITION TO ACCEPT COLOR PHOTOGRAPHS UNDER 37 C.F.R. § 1.84(b)(2)

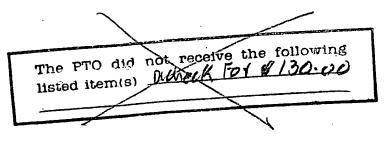
Applicants respectfully request that color photograph of Figure 14 in the above patent application be accepted under 37 C.F.R. § 1.84 (b)(2).

The specification has been amended as required under 37 C.F.R. 1.84 (a)(2)(iv). Three sets of color photograph of Figure 14 are enclosed. A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in Figure 14 is attached to Figures 1-13 and 15-19 filed with the patent application.

A check in the amount of \$130.00 is enclosed for the petition fee as required under 37 C.F.R. § 1.17(h).

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

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PATENT Attorney Docket No. 04853.0111 CUSTOMER NUMBER 22,852

The color photograph is necessary for a morphological evaluation to determine by staining with a fluorescent dye whether cell death was due to apoptosis or necrosis of the cells in a culture as described in more detail at page 9, lines 20-22, and page 34 line 14, to page 35, line 5, of the specification.

If there are any additional fees required in connection with this petition to accept color photographs, authorization is hereby given to charge the required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: January 28, 2004

Ernest F. Chapman

Reg. No. 25,961

EFC/FPD/sci

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